

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

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|---------------------------------------|---|-------------------------------|
| William Bonner,                       | ) | C/A No.: 8:07-cv-1498-GRA-BHH |
|                                       | ) |                               |
| Petitioner,                           | ) |                               |
|                                       | ) |                               |
| v.                                    | ) | ORDER                         |
|                                       | ) | (Written Opinion)             |
| Mildred L. Rivera, Warden FCI-Estill, | ) |                               |
|                                       | ) |                               |
| Respondent,                           | ) |                               |
| _____                                 | ) |                               |

This matter comes before the Court for a final review of the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636((b)(1)(B), and Local Rule 73.02(B)(2)(c), filed on January 30, 2008. The petitioner originally brought this suit on May 29, 2007, pursuant to 28 U.S.C. § 2241. The respondent filed a motion for summary judgment on July 31, 2007; on August 1, 2007, the Court issued an Order pursuant to *Rosboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the summary dismissal procedure and the consequences of a failure to respond; and on August 27, 2007, the petitioner responded.

The magistrate recommends denying the respondent's motion and remanding this case back to the Bureau of Prisons (BOP) to reconsider the petitioner's motion for a *nunc pro tunc* designation pursuant to 18 U.S.C. § 3621(b) and Program Statement 5160.05 within thirty days because the BOP relied on inaccurate information when it denied the defendant *nunc pro tunc* designation. For the reasons stated herein, this

Court adopts the magistrate's Report and Recommendation in its entirety.

### **Standard of Review**

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). The respondent did not file any objections.

### **Conclusion**

After reviewing the Report and Recommendation, the pleadings, and relevant

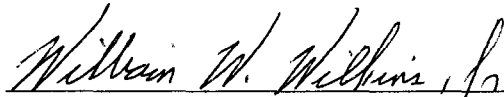
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case law, this Court finds that the magistrate's analysis applies sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT the respondent's Motion for Summary Judgement is DENIED.

FURTHER IT IS SO ORDERED THAT this case be remanded back to the Bureau of Prisons to reconsider the petitioner's petition for *nunc pro tunc* designation pursuant to 18 U.S.C. § 3621(b), Program Statement 5160.05, and this Order within thirty days.

IT IS SO ORDERED.

  
The Honorable William W. Wilkins, Jr.

February 29, 2008  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within sixty (60) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**